

321.276 Use of electronic communication device while driving — text-messaging.

1. For purposes of this section:

a. “Engage in a call” means talking or listening on a mobile telephone or other portable electronic communication device.

b. “Hand-held electronic communication device” means a mobile telephone or other portable electronic communication device capable of being used to write, send, or read a text message. “Hand-held electronic communication device” does not include a voice-operated or hands-free device which allows the user to write, send, or read a text message without the use of either hand except to activate or deactivate a feature or function. “Hand-held electronic communication device” does not include a wireless communication device used to transmit or receive data as part of a digital dispatch system. “Hand-held electronic communication device” includes a device which is temporarily mounted inside the motor vehicle, unless the device is a voice-operated or hands-free device.

c. “Text message” includes a text-based message, an instant message, and electronic mail.

d. The terms “write”, “send”, and “read”, with respect to a text message, mean the manual entry, transmission, and retrieval of a text message, respectively, to communicate with any other person or device.

2. A person shall not use a hand-held electronic communication device to write, send, or read a text message while driving a motor vehicle unless the motor vehicle is at a complete stop off the traveled portion of the roadway.

a. A person does not violate this section by using a global positioning system or navigation system or when, for the purpose of engaging in a call, the person selects or enters a telephone number or name in a hand-held mobile telephone or activates, deactivates, or initiates a function of a hand-held mobile telephone.

b. The provisions of [this subsection](#) relating to reading a text message do not apply to the following persons:

(1) A member of a public safety agency, as defined in [section 34.1](#), performing official duties.

(2) A health care professional in the course of an emergency situation.

(3) A person receiving safety-related information including emergency, traffic, or weather alerts.

3. Nothing in this section shall be construed to authorize a peace officer to confiscate a portable electronic communication device from the driver or occupant of a motor vehicle.

4. a. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under [section 805.8A, subsection 14](#), paragraph “l”.

b. A violation of this section shall not be considered a moving violation for purposes of [this chapter](#) or rules adopted pursuant to [this chapter](#).

5. A peace officer shall not stop or detain a person solely for a suspected violation of [this section](#). [This section](#) is enforceable by a peace officer only as a secondary action when the driver of a motor vehicle has been stopped or detained for a suspected violation of another provision of [this chapter](#), a local ordinance equivalent to a provision of [this chapter](#), or other law.

6. The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of [this section](#).

2010 Acts, ch 1105, §6; 2013 Acts, ch 90, §80

Referred to in [§321.210](#), [§321.482A](#), [§321.555](#), [§805.8A\(14\)\(l\)](#)

Additional penalties for violations causing injury or death, see [§321.482A](#)